IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IRISH ISLE PROVISION CO., : CIVIL ACTION NO. 4:12-CV-0778

•

Plaintiff, : (Judge Conner)

:

v.

:

POLAR LEASING CO., et al.,

:

Defendant

:

ORDER

AND NOW, this 21st day of November, 2012, upon consideration of the Motion to Dismiss plaintiff's second amended complaint (Doc. 22) and supporting brief (Doc. 23) filed by defendant Polar Leasing Company ("Polar Leasing"), and upon further consideration of the third amended complaint (Doc. 28), filed on November 15, 2012 (Doc. 28), and the court noting that written consent from the opposing party or leave of court is required under Rule 15(b) and the court acknowledging that consent has been received (Doc. 28-1), and the court finding that the filing of the third amended complaint renders the second complaint a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) ("An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit."); 6 Charles Alan Wright et al., Federal Practice and Procedure § 1476 (2d ed. 1990) ("Once an amended pleading is interposed, the original pleading no longer performs any function in the case"), it is hereby Order that:

1. Defendants shall respond to the third amended complaint in

accordance with the Federal Rules of Civil Procedure.

2. The motion to dismiss the second amended complaint (Doc. 22) is DENIED as moot.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge